

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ZAXCOM, INC.,

Plaintiff,

v.

RODE MICROPHONES, LLC AND
FREEDMAN ELECTRONICS PTY LTD.,

Defendants.

C.A. No. 23-1245-JFM

ORDER

AND NOW, 13th day of November 2024, upon considering plaintiff's motion to amend (DI 88), defendants' opposition (DI 96), defendants' motion to compel (DI 90), plaintiff's opposition (DI 95), and following our case management videoconference held today with counsel, it is **ORDERED**:

1. Plaintiff's motion to amend (DI 88) is **GRANTED** for the reasons explained on the record. Plaintiff shall promptly file the proposed amended complaint (DI 88-1) and defendants shall respond in ordinary course.

2. Defendants' motion to compel (DI 90) is **DENIED**. Narrowing the asserted claims shall proceed consistent with the direction given during the videoconference and in the below amended schedule.

3. To accommodate the addition of U.S. Patent No. 12,051,444 (issued July 30, 2024) to the case, and to address certain concerns regarding the number of asserted claims, we **amend** our June 4, 2024 order (DI 60) as follows:

Exhibit A: Chart of All Relevant Deadlines

Event	Deadlines
Joinder of Parties and Amendment of Pleadings	November 2, 2024
Fact Discovery Begins	January 30, 2024, for Rode and Zaxcom and May 10, 2024, for Freedman
Fact Discovery Cut-off	June 21, 2025
Identification of Accused Products and Asserted Patents	June 17, 2024 (Delaware Default Standard)
Production of Core Technical Documents	July 17, 2024 (Delaware Default Standard)
Production of Initial Claim Chart Relating to Each Accused Product	August 16, 2024 (Delaware Default Standard)
Production of Invalidity Contentions	September 16, 2024 (Delaware Default Standard)
Production of Invalidity Contentions for U.S. Patent No. 12,051,444	December 6, 2024
Exchange of Proposed Terms for Claim Construction	December 20, 2024
Filing of Joint Claim Construction Chart; having met and conferred, the parties shall also file joint or separate statements on any progress made on claim narrowing and positions on what, if anything, the court should do.	January 17, 2025
Substantial Completion of Document Production	January 24, 2025
Zaxcom's Op'g Claim Construction Br.	March 7, 2025
Defendants' Resp. Claim Construction Br.	April 4, 2025
Zaxcom's Reply Claim Construction Br.	April 25, 2025

Event	Deadlines
Defendants' Sur-Reply Claim Construction Br.	May 16, 2025
Joint Claim Construction Brief	May 30, 2025
Markman Hearing	July 9, 2025, 10:00a.m, Courtroom 3B 601 Market Street, Philadelphia
Close of Fact Discovery	August 15, 2025
Plaintiff shall identify narrowed set of claims for the case going forward; the appropriate number of claims will be discussed at the Markman	14 days after the Court issues its Claim Construction Order.
Disclosure of Reliance on Opinion of Counsel and Associated Document Production	60 days after the Court issues its Claim Construction Order.
Opening Expert Reports (by the Party with the Burden of Proof)	November 7, 2025
Responsive Expert Reports	December 5, 2025
Reply Expert Reports	December 19, 2025
Close of Expert Discovery	January 23, 2026
SJ/Daubert Motions (with opening briefs)	March 6, 2026
SJ/Daubert Opposition Briefs	March 27, 2026
SJ/Daubert Reply Briefs	April 10, 2026
Final Pretrial Conference	TBD
Trial	TBD


 MURPHY, J.